

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 423 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANHARBHAI GOVINDBHAI

Versus

AHMEDABAD MUNICIPAL CORPORATION

Appearance:

MR YN OZA for Appellant

MR GN DESAI for Respondent No.1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 28/08/97

ORAL JUDGEMENT

This appeal is directed against the order dated August 1, 1986 passed by the City Civil Court, Ahmedabad, below Notice of Motion, rejecting the interim injunction application in Civil Suit No. 3514 of 1986.

2. The suit was filed by the appellant-plaintiff for challenging the notice issued by the respondent-Corporation under section 260 of the BPMC Act. Temporary injunction against the implementation of the

notice was prayed for. The trial court initially granted ad-interim injunction directing the respondents to maintain the status-quo and not to demolish the suit property. However, after hearing the parties, the trial court dismissed the Notice of Motion and vacated the ad-interim injunction.

3. While admitting the present appeal, this Court granted ad-interim injunction against the demolition and confirmed the same after hearing the respondents.

4. In view of the fact that the temporary injunction against the demolition of the suit property is continuing since June 19, 1986, and that the suit is also pending since last 11 years, it would be just and proper to direct the trial court to hear and decide the suit as expeditiously as possible and latest by March 31, 1998 and to continue the interim injunction which is operation since June 1986 till the disposal of the suit.

5. It is clarified that this Court has not gone into merits of the controversy and, therefore, the trial court shall decide the suit in accordance with law without being influenced by the order passed by this Court.

6. In terms of the aforesaid directions, the appeal is disposed of with no order as to costs.

Amp/-